

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KERMIT WEST,)
)
Petitioner,)
)
v.) C.A.No. 05-438-JJF
)
THOMAS L. CARROLL,)
)
Respondent.)

MOTION FOR EXTENSION OF TIME TO FILE ANSWER

1. The petitioner, Kermit West, has applied for federal habeas relief challenging the calculation of his sentences.
2. By the terms of the Court's order, the respondent is directed to answer the petition and attach to the answer certified copies of the state court records material to the questions raised in the petitioner's writ.
3. The undersigned has obtained some of the documents relevant to the instant petition, but because West's convictions date to the early 1960's, all records are not readily accessible. Based on review of materials available to date, Respondent anticipates raising the defense of laches pursuant to Habeas Rule 9(a). The undersigned anticipates completing the answer to the instant petition by December 15, 2005, the additional time being needed to fully develop the laches defense. This is Respondent's second request for an extension of time.

4. Respondent submits that an extension of time to and including December 15, 2005 in which to complete the answer in this case is reasonable.

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

/s/

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Dated: December 10, 2005